IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4050 OF 2005

Maruti Dnyanoba More ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr.Pratap Patil i/b Mr.T.E.Mane for the Applicant
Ms M.M.Deshmukh,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : AUGUST 9,2005

P.C.:

1. This is an application for bail by the husband of the deceased who is being prosecuted along with other co-accused for offence under Sections 302, 201, 498-A read with section 34 of the I.P.C.

2. The case of the prosecution is that the Applicant and co-accused were harassing the wife of the Applicant. The Applicant had contracted second marriage during the subsistence of his marriage with the deceased. According to the first informant who is father of the deceased on 24th February 2005 when he visited the matrimonial home of the deceased she complained about the harassments at the hands of her mother-in-law, second wife of the Applicant and the Applicant. On 27th February 2005 deceased was found completely burnt. At that time the deceased was pregnant. The allegation against the Applicant is that he committed

murder of the deceased by setting the premises in which the deceased was sleeping on fire early morning on 27th February 2005.

3. The learned Advocate for the Applicant submitted that other co-accused have been enlarged on bail and therefore the Applicant is entitled to be enlarged on bail for the reason of parity. He submitted that there is no direct evidence available against the Applicant.

4. The learned A.P.P. has invited my attention to relevant material on record and submitted that the Applicant is not entitled to be enlarged on bail on merits or by reason of parity.

5. I have considered the submissions. The orders under which the co-accused are enlarged on bail disclose that the relief was granted on the ground that the allegations against the said co-accused were only under Section 498-A of the I.P.C. Therefore, the Applicant is not entitled to be enlarged on bail for the reason of parity.

6. A specific allegation against the Applicant is of committing murder of the deceased who was his wife. Considering the gravity of allegations and the brutal nature of offence and considering the material on record, this is not

a case where the Applicant can be enlarged on bail. Application is therefore rejected.

7. If the Fast Track Court is available, the trial shall be assigned to the Fast Track Court. The trial shall be concluded as expeditiously as possible by treating the case as High Court Expedited Trial’.

JUDGE